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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,161	12/16/1999	SHINICHIRO GOMI	450100-02228	7195
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
			EXAMINER NGUYEN, KEVIN M	
			ART UNIT 2674	PAPER NUMBER

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/464,161

Applicant(s)

GOMI ET AL.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 10/30/2003 is entered. The rejections of claims 1-5 and 9 are maintained.

Claim Objections

2. Claims 1, 4, 5 and 9 are objected to under 37 CFR 1.75(a) because although these claims meet the requirement 112/2d, i.e., the metes and bounds are determinable, however,

line 11 of claim 1, after "and" should be inserted --a third pixel value in--

line 12 of claim 1, after "both" should be inserted --pixel--

after "values" should be inserted --of adjacent field--

the same applies for claims 4, 5 and 9.

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al (US 5,489,923) in view Ogawa (US 5,572,251), and further in view of Yamamoto et al (US 5,742,279).

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As to claims 1, 4, 5 and 9, Marshall et al teach an image processing apparatus (11) (fig. 2) associated with the method, and a computer-readable program medium, the apparatus comprising:

a capture device (14), a first image (22), a projector (17), a second image (21), a screen area (18), a bright point, a laser pointer (25) (see figure 2, column 5, lines 50-54).

Marshall et al do not teach "a logical product of a first pixel value in a current field line and a second pixel value in one of an immediately preceding field and an immediately subsequent field is obtained, and wherein the bright point is determined to exist both values are on."

Ogawa teaches a related apparatus (see fig. 1) comprising a logical product (the dots 41 is expressed as code "1", and the ring-like dots 42 is expressed as code "0", fig. 6, col. 5, lines 8-10). In the LCD mask 26 (fig. 7A), light-transmitting portions (ON portions) and light-shielding portions (OFF portions) can be formed one by one with respect to the pixels 44 (fig. 7A) on the basis of control signals given from the LCD control section 32 (fig. 2) (col. 5, lines 55-58).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify a logical product, and light-transmitting portions (ON portions) and light-shielding portions (OFF portions) can be formed one by one with respect to the pixels 44 (fig. 7A) taught by Ogawa in Marshall's image because this would improve the resolution relative to the number of pixels in an image pickup device having a pixel array region (col. 1, lines 40-43 of Ogawa).

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Marshall et al fails to teach extraction means for extracting the second image from the first image on the basis of image information captured by said capturing means.

However, Yamamoto et al teaches image extraction means 4 for extracting the second image (document No. 1) from the first image (document No. 2, see figure 1, column 8, lines 3-10) on the basis of image information captured by said capturing means (camera, col. 11, line 55-57).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the image extraction means 4 for extracting the second image (document No. 1) from the first image (document No. 2) on the basis of image information captured by said capturing means taught by Yamamoto et al for Marshall et al's image processing apparatus because this would allow a user to directly conduct an operation and instructions on the display screen and an input screen (column 2, lines 18-22 of Yamamoto et al).

As to claim 2, Marshall et al teaches position determination means compensates the position of the bright point on the second image (21) to determine the position of the bright point on the first image (22) (see figure 2).

As to claim 3, Marshall et al teaches the second image (21) is taken by a flow pick up (14), and blinking-pattern detection means (25), the first image (22) (see figure 2).

5. Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al in view of Takaha et al (US 6,021,221).

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As to claims 1, 4, 5 and 9, Marshall et al teaches a presentation system associated with a method, and a computer readable medium, the presentation system comprising:

an image processing apparatus (11), a computer (10), a capture device (14), a first image (22), a projector (17), a second image (21), a screen area (18), a bright point, a laser pointer (25) (see figure 2, column 5, lines 50-54).

Marshall et al do not teach "a logical product of a first pixel value in a current field line and a second pixel value in one of an immediately preceding field and an immediately subsequent field is obtained, and wherein the bright point is determined to exist both values are on."

Ogawa teaches a related apparatus (see fig. 1) comprising a logical product (the dots 41 is expressed as code "1", and the ring-like dots 42 is expressed as code "0", fig. 6, col. 5, lines 8-10). In the LCD mask 26 (fig. 7A), light-transmitting portions (ON portions) and light-shielding portions (OFF portions) can be formed one by one with respect to the pixels 44 (fig. 7A) on the basis of control signals given from the LCD control section 32 (fig. 2) (col. 5, lines 55-58).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify a logical product, and light-transmitting portions (ON portions) and light-shielding portions (OFF portions) can be formed one by one with respect to the pixels 44 (fig. 7A) taught by Ogawa in Marshall's image because this would improve the resolution relative to the number of pixels in an image pickup device having a pixel array region (col. 1, lines 40-43 of Ogawa).

Marshall et al fails to teach extraction means for extracting the second image from the first image on the basis of image information captured by said capturing means.

However, Takaha et al teaches image extraction means (17) for extracting the second image (42) from the first image (22) (see figures 2 and 3, column 11, lines 16-27) on the basis of image information (22) captured by said capturing means (camera, column 8, line 43-44).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the image extraction means (17) for extracting the second image (42) from the first image (22) on the basis of image information (22) captured by said capturing means taught by Takaha et al for Marshall et al's image processing apparatus because this would allow a user to directly conduct an operation and instructions on the display screen and an input screen.

Response to Arguments

6. Applicant's arguments filed 10/30/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that claims 1, 4, 5, and 9 recite "a logical product of a first pixel value in a current field line and a second pixel value in one of an immediately preceding field and an immediately subsequent field is obtained, and wherein the bright point is determined to exist both values are on." This argument is not persuasive because Ogawa's invention teaches "a logical product (the dots 41 is expressed as code "1", and the ring-like dots 42 is expressed as code "0", fig. 6, col. 5,

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lines 8-10). In the LCD mask 26 (fig. 7A), light-transmitting portions (ON portions) and light-shielding portions (OFF portions) can be formed one by one with respect to the pixels 44 (fig. 7A) on the basis of control signals given from the LCD control section 32 (fig. 2) (col. 5, lines 55-58)."

For these reasons, the rejections based on Ogawa, Marshall et al, Yamamoto et al, and Takaha have been maintained.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KN
January 22, 2004



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600